

ORAL ARGUMENT NOT YET SCHEDULED

No. 15-5170

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

SAFARI CLUB INTERNATIONAL, *et al.*,
Plaintiffs-Appellants

v.

SALLY JEWELL, in her official capacity as
United States Secretary of the Interior, *et al.*,
Defendants-Appellees

On Appeal from the United States District Court for the District of Columbia
(No. 14-00670)

DECLARATION OF DOUGLAS S. BURDIN

I, Douglas S. Burdin, declare pursuant to 28 U.S.C. §1746 as follows:

1. I am counsel for Plaintiff-Appellant Safari Club International and am one of the attorneys principally responsible for preparing the opening brief for Plaintiffs-Appellants Safari Club International and National Rifle Association of America (SCI/NRA). SCI/NRA's opening brief is currently due on January 15, 2016.

2. On October 7, 2015 counsel for SCI/NRA and Federal Defendants-Appellees were contacted by Michael Terry, Circuit Mediator for the D.C. Circuit Court of Appeals, inviting us to consider whether we would be interested in exploring settlement of this litigation through the Court's mediation program.
3. After consultation with our clients and several conversations with Mr. Terry, SCI/NRA decided to accept the invitation to engage in the mediation program in the hope of finding a means of settling this appeal.
4. Around November 2, 2015, Mr. Terry assigned the appeal to a Court Mediator, who held an initial and follow up meetings between counsel for Plaintiffs- Appellants and Federal Defendants-Appellees in which the parties discussed possible settlement options.
5. The course of the mediation ran for around six-weeks, longer than SCI/NRA anticipated. In the end, the parties were unable to reach a settlement and the mediation concluded on or around December 17, 2015.
6. During the time they were participating in the mediation, SCI/NRA focused more on developing and presenting a potential settlement strategy than on preparing for the briefing of this appeal (which briefing would have been unnecessary had the parties settled). Under the current schedule,

SCI/NRA's opening brief is due January 15, 2016 (which is 18 work days from the date that the accompanying motion is being filed).

7. With the upcoming holidays, many of the attorneys for SCI/NRA will not be working on actual holidays and will be traveling and taking time off around the holidays.
8. Attorneys for SCI, including myself, must devote significant amounts of their time in the next month preparing for SCI's upcoming Convention, including the development and organization of a four-hour Continuing Legal Education course held at that Convention. The SCI Convention runs from February 2-6 and involves multiple meetings and seminars, the preparation for which must commence in early January.
9. The attorneys for SCI/NRA have other litigation commitments and related travel, including other briefs in federal appeals and a joint status/discovery report and hearing in a federal lawsuit in California (although the report and hearing may be rescheduled).
10. I will be on an already-planned vacation from March 4-11, 2016. I and one or both of the other attorneys for SCI will be attending one of two professional conferences from March 16-18 (affecting the timing of the reply brief).
11. I certify, under penalty of perjury, that the foregoing is true and correct.

Executed on this 17th day of December, 2015, in Oakton, Virginia.

Respectfully submitted,

/s/ Douglas S. Burdin

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